

CHAPTER 4-07-16 JURY AND WITNESS LEAVE

Section

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4-07-16-01. Scope of chapter. This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-16-02. Jury duty. An employee selected for jury duty must be granted an approved absence from work with pay, except that an amount of pay equal to the amount the employee received from the court for jury duty service must be deducted from the employee's regular pay. However, if an employee is on authorized annual leave while performing jury duty, the employee may retain the fee paid by the court and the employee's pay may not be reduced.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-16-03. Witness on behalf of the employer. When an employee is called or appears as a witness, or as an expert witness, on behalf of the employer, and the employee's department reimburses the employee for mileage, meals, and lodging, then the employee may not submit an additional claim for mileage, meals, and lodging. Also, the employee must be paid the employee's regular rate of compensation for time spent as a witness.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-16-04. Witness fee. An employee may retain a witness fee paid by a party only when each of the following apply:

1. The employee's agency did not reimburse the employee for mileage, meals, and lodging.

2. The employee is on authorized leave.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-16-05. Witness fee and law enforcement personnel. When a law enforcement officer performs duties as a witness during off-duty time, the officer may receive a witness fee and reimbursement for mileage, meals, and lodging, provided the officer is not otherwise reimbursed by the employer. When a law enforcement officer performs duties as a witness in an official capacity in a criminal case, the officer is regarded as performing normal duties, and consequently the officer may not retain a witness fee.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-16-06. Witness duties. An employee who performs witness duties unrelated to the employee's official capacity, or because the employee is personally interested in the proceedings, or because the employee volunteers to do so, must be placed on annual leave or leave without pay status. In these situations, the employee may retain any witness fee provided to the employee.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)